

Court Facilities Improvement Advisory Committee
Meeting Minutes
(Unofficial Until Approved)
March 3, 2017

Supreme Court Front Conference Room and
via phone audio conferencing

Members Present

Ms. Sally Holewa, Chair
Mr. Nathan Berseth, via audio conferencing
Mr. Reinhard Hauck, via audio conferencing
Mr. Seth Andrew Thompson, via audio conferencing

Members Absent

Diane Larson, State Senator

Staff Present

Lana Zimmerman
Dion Ulrich
Lindsey Nieuwsma

Chair Holewa called the meeting to order at 9:01 a.m.

Update on Morton County 2017 grant award

Chair Holewa informed the committee that Morton County accepted the 2017 partial grant award. Chair Holewa reported that of the counties that did not receive grants, Ward County was the only one that she heard from. The representative for Ward County stated that they were still working on renovations even though they did not receive grant.

Review Sheridan County 2017 grant award

The committee moved on to an issue that came up with respect to the Sheridan County grant award that requires committee action. Sheridan County applied for a grant to cover a boiler project; the application said that boiler is broken and needs to be fixed, but did not indicate that the boiler project had already been completed. After the grant was awarded, Sheridan County submitted a request for reimbursement and an invoice which showed that the work had been completed in November 2016. Chair Holewa contacted Shirley Murray, the Sheridan County Auditor, and was informed that the county had the boiler fixed in November 2016 so it would be operational for the winter months. Ms. Murray said it was their belief that the project would still qualify for a grant as long as payment was not made until after the county had been awarded a grant.

Chair Holewa said that neither N.D.C.C. § 27-05.2-10 or the Rules of Operation and Procedures specifically state that the grant funds can only be used for future projects. However, the original committee members drafted the Rules of Operations and Procedures to require estimated costs and estimated completion as part of the application, which infers that the grants are awarded for

future projects. The committee must decide whether the Sheridan County boiler project meets the criteria for a grant award. If not, the committee should withdraw the award.

After discussion, the consensus was that the past practice of the committee has been to only grant awards for future projects, which is consistent with the grant award process in other disciplines. The committee was in favor of maintaining the past practice, but supported a clarification of the rule language to make the future project criteria explicit.

Mr. Thompson moved to withdraw the Sheridan County grant award because the application did not meet the award criteria. The motion was seconded by Mr. Hauck. Motion carried.

Discuss Amendments to Rules of Operation and Procedures

Chair Holewa moved on to a discussion of potential amendments to the Rules of Operation and Procedures. She listed issues that warrant consideration of amendments:

1. Clarification in the rules that grants are for future projects
As discussed earlier, the committee agreed that clarification of the application and grant criteria to specify that awards are for future projects would be beneficial.
2. Costs for county employee's work
A decision made early on and current practice is that grant money is typically not awarded for the costs for county employees' work on projects. This is consistent with Rule of Operation and Procedures B(6), which states that in-kind contributions, such as employee work, will not satisfy the 25% contribution by the county. A clarification that grant funds are not awarded to cover the costs of county employee work is necessary.
3. Committee Chair delegation of authority
As committee chair, Chair Holewa is often contacted by grantees on issues such as minor project changes, requests for extension of time to complete projects, and other minor issues. She typically will make a decision on the issue, but requested input from the committee on whether the chair's authority to take action on those types of issues should be set forth in the rule and what types of duties can be delegated.

After brief discussion, the committee members agreed that the committee chair should have authority to make minor decisions on behalf of the committee without consultation with the members, and the discretion to refer larger matters back to the full committee for review. The consensus was that staff would prepare a draft rule and list of delegated duties for the committee members' review.

4. Project completion deadline
The assumption is that there is a one year deadline for completion of grant-funded projects, but that deadline is not in the rule. Chair Holewa said that she often receives calls for extensions and explained the current process for granting extensions.

By consensus, the committee members agreed to have staff draft proposed language for rule amendments. With respect to a time line, the committee will plan to review the changes at the next meeting, to be scheduled in May or June, with a goal of completing any rule changes by September 2017.

Having no further business, the meeting adjourned at 9:21 a.m.